

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Paul D. Hanke

Appl. No. *To be assigned*

Filed: *Herewith*

For: **Feedback-Resistant Pyruvate
Carboxylase Gene from
*Corynebacterium***

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 1533.1230001/SRL/MJC

U.S. PTO
JC986 97/60 10/12/01
10/12/01

**Authorization To Treat A Reply As Incorporating An Extension Of
Time Under 37 C.F.R. § 1.136(a)(3)**

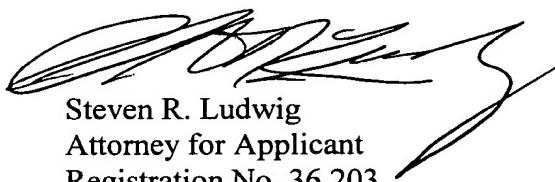
Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Steven R. Ludwig
Attorney for Applicant
Registration No. 36,203

Date: 10/12/01
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	1533,123001/SRL/MJC
First Inventor	Paul D. Hanke
Title	Feedback-Resistant Pyruvate Carboxylase Gene from Corynebacterium
Express Mail Label No.	

APPLICATION ELEMENTS*See MPEP chapter 600 concerning utility patent application contents.*Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- | | |
|--|--|
| <p>1. <input type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)
<i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims small entity status.
See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification. [Total Pages 29]
<i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (<i>if filed</i>) - Detailed Description - Claim(s) - Abstract of the Disclosure </p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 12]</p> <p>5. Oath or Declaration [Total Sheets ___] <ul style="list-style-type: none"> a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))
<i>(for continuation/divisional with Box 18 completed)</i> <ul style="list-style-type: none"> i. <input type="checkbox"/> DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b). </p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76.</p> | <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission
<i>(if applicable, all necessary)</i> <ul style="list-style-type: none"> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: <ul style="list-style-type: none"> i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies </p> |
|--|--|

ACCOMPANYING APPLICATION PARTS

- 9. Assignment Papers (cover sheet & document(s))
- 10. 37 CFR 3.73(b) Statement Power of Attorney
(when there is an assignee)
- 11. English Translation Document (*if applicable*)
- 12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
- 13. Preliminary Amendment
- 14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- 15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- 16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 17. Other: Authorization under 37 C.F.R. § 1.136(a)(3)
- 18. Other: The name of the assignee is: Archer-Daniels-Midland Company

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-Part (CIP)
Prior application information: Examiner _____ of prior application No: _____ / _____
Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		or <input type="checkbox"/> Correspondence address below
Customer No. 26111 <i>(Insert Customer No. on a separate bar code label here)</i>		

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. PATENT TRADEMARK OFFICE		
	Attorneys at Law		
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE	FAX	

NAME (Print/Type)	Steven R. Ludwig	Registration No. (Attorney/Agent)	36,203
SIGNATURE			
Date	10/12/01		

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

nonprovsbo05

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$1,320.00)

Complete if Known

Application Number	To be assigned
Filing Date	Herewith
First Named Inventor	Paul D. Hanke
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	1533.1230001/SRL/MJC

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number **19-0036**

Deposit Account Name **Sterne, Kessler, Goldstein & Fox P.L.L.C.**

Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

Applicant claims small entity status See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other*

*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Entity Fee (\$)	Small Entity Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	<u>740.00</u>
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 740.00)

2. EXTRA CLAIM FEES

Extra	Fee from below	Fee Paid
Total Claims 32	- 20** = 12 X 18.00	= 216.00
Indep. Claims 4	- 3** = 1 X 84.00	= 84.00
Multiple Dependent	280.00	= 280.00

Large Entity Fee Code	Entity Fee (\$)	Small Entity Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
108	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 580.00)

** or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity Fee Code	Entity Fee (\$)	Small Entity Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

** or number previously paid, if greater. For Reissues, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Steven R. Ludwig	Registration No. (Attorney/Agent)	36,203	Telephone	202-371-2600
Signature			Date	10/12/01	

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10/12/01
J1059 U.S. PTO

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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10/12/01
09/974972
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*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

October 12, 2001

WRITER'S DIRECT NUMBER:
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SLUDWIG@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Box Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)
Appl. No. *To be assigned*; Filed: *Herewith*
For: **Feedback-Resistant Pyruvate Carboxylase Gene from
*Corynebacterium***
Inventor: Paul D. Hanke
Our Ref: 1533.1230001/SRL/MJC

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Fee Transmittal Form (PTO/SB/17) (*in duplicate*);
2. USPTO Utility Patent Application Transmittal Form PTO/SB/05 (*in duplicate*);
3. U.S. Utility Patent Application entitled:

Feedback-Resistant Pyruvate Carboxylase Gene from *Corynebacterium*

and naming as inventor:

Paul D. Hanke

Commissioner for Patents
October 12, 2001
Page 2

the application comprising:

- a. specification containing:
 - i. 24 pages of description prior to the claims;
 - ii. 4 pages of claims (32 claims);
 - iii. a one (1) page abstract;
 - b. 12 sheets of drawings (Figures 1A, 1B, 1C, 1D, 1E, 2A, 2B, 3A, 3B, 4, 5, and 6);
 - c. an Application Data Sheet (37 C.F.R. § 1.76);
4. 37 C.F.R. § 1.136(a)(3) Authorization to Treat a Reply As Incorporating An Extension of Time (*in duplicate*);
5. Our check no. 32843 for \$1,320.00 to cover:
\$740.00 Filing Fee for Patent Application (37 C.F.R. § 1.16); and
\$580 Extra claim fees (37 C.F.R. 1.16); and
6. Two (2) return postcards.

The name of the assignee is Archer-Daniels-Midland Company.
Correspondence should be sent to Customer Number 26111.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Commissioner for Patents
October 12, 2001
Page 3

This patent application is being submitted under 37 C.F.R. § 1.53(b) without Declaration.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Steven R. Ludwig
Attorney for Applicants
Registration No. 36,203

SRL/MJC/lam
Enclosures

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四庫全書